



General Assembly

February Session, 2000

***Raised Bill No. 5684***

LCO No. 1962

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***An Act Concerning Public Accountability, Economic Development and Privatization.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 1-210 of the general statutes, as  
2 amended by section 1 of public act 99-156, is repealed and the  
3 following is substituted in lieu thereof:

4 (b) Nothing in the Freedom of Information Act shall be construed to  
5 require disclosure of:

6 (1) Preliminary drafts or notes provided the public agency has  
7 determined that the public interest in withholding such documents  
8 clearly outweighs the public interest in disclosure;

9 (2) Personnel or medical files and similar files the disclosure of  
10 which would constitute an invasion of personal privacy;

11 (3) Records of law enforcement agencies not otherwise available to  
12 the public which records were compiled in connection with the  
13 detection or investigation of crime, if the disclosure of said records

14 would not be in the public interest because it would result in the  
15 disclosure of (A) the identity of informants not otherwise known or the  
16 identity of witnesses not otherwise known whose safety would be  
17 endangered or who would be subject to threat or intimidation if their  
18 identity was made known, (B) signed statements of witnesses, (C)  
19 information to be used in a prospective law enforcement action if  
20 prejudicial to such action, (D) investigatory techniques not otherwise  
21 known to the general public, (E) arrest records of a juvenile, which  
22 shall also include any investigatory files, concerning the arrest of such  
23 juvenile, compiled for law enforcement purposes, (F) the name and  
24 address of the victim of a sexual assault under section 53a-70, 53a-70a,  
25 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or  
26 impairing of morals under section 53-21, or of an attempt thereof, or  
27 (G) uncorroborated allegations subject to destruction pursuant to  
28 section 1-216;

29 (4) Records pertaining to strategy and negotiations with respect to  
30 pending claims or pending litigation to which the public agency is a  
31 party until such litigation or claim has been finally adjudicated or  
32 otherwise settled;

33 (5) (A) Trade secrets, which for purposes of the Freedom of  
34 Information Act, are defined as [unpatented, secret, commercially  
35 valuable plans, appliances, formulas or processes, which are used for  
36 the making, preparing, compounding, treating or processing of articles  
37 or materials which are trade commodities obtained from a person and  
38 which are recognized by law as confidential, and] information,  
39 including formulas, patterns, compilations, programs, devices,  
40 methods, techniques, processes, drawings, cost data, or customer lists  
41 that (i) derive independent economic value, actual or potential, from  
42 not being generally known to, and not being readily ascertainable by  
43 proper means by, other persons who can obtain economic value from  
44 its disclosure or use, and (ii) are the subject of efforts that are  
45 reasonable under the circumstances to maintain secrecy;

46       (B) [commercial] Commercial or financial information given in  
47 confidence, [not required by statute ;] and which is submitted to an  
48 agency by a commercial enterprise and which if disclosed would cause  
49 substantial injury to the competitive position of the subject enterprise;  
50 and

51       (C) Strategy or negotiation records, including draft agreements,  
52 with respect to an economic development agreement between a  
53 private person or entity and the Department of Economic and  
54 Community Development, until such time as an agreement has been  
55 executed, or all related proceedings or transactions have been  
56 terminated or abandoned.

57       (6) Test questions, scoring keys and other examination data used to  
58 administer a licensing examination, examination for employment or  
59 academic examinations;

60       (7) The contents of real estate appraisals, engineering or feasibility  
61 estimates and evaluations made for or by an agency relative to the  
62 acquisition of property or to prospective public supply and  
63 construction contracts, until such time as all of the property has been  
64 acquired or all proceedings or transactions have been terminated or  
65 abandoned, provided the law of eminent domain shall not be affected  
66 by this provision;

67       (8) Statements of personal worth or personal financial data required  
68 by a licensing agency and filed by an applicant with such licensing  
69 agency to establish his personal qualification for the license, certificate  
70 or permit applied for;

71       (9) Records, reports and statements of strategy or negotiations with  
72 respect to collective bargaining;

73       (10) Records, tax returns, reports and statements exempted by  
74 federal law or state statutes or communications privileged by the  
75 attorney-client relationship;

76 (11) Names or addresses of students enrolled in any public school or  
77 college without the consent of each student whose name or address is  
78 to be disclosed who is eighteen years of age or older and a parent or  
79 guardian of each such student who is younger than eighteen years of  
80 age, provided this subdivision shall not be construed as prohibiting the  
81 disclosure of the names or addresses of students enrolled in any public  
82 school in a regional school district to the board of selectmen or town  
83 board of finance, as the case may be, of the town wherein the student  
84 resides for the purpose of verifying tuition payments made to such  
85 school;

86 (12) Any information obtained by the use of illegal means;

87 (13) Records of an investigation or the name of an employee  
88 providing information under the provisions of section 4-61dd;

89 (14) Adoption records and information provided for in sections 45a-  
90 746, as amended, 45a-750 and 45a-751;

91 (15) Any page of a primary petition, nominating petition,  
92 referendum petition or petition for a town meeting submitted under  
93 any provision of the general statutes or of any special act, municipal  
94 charter or ordinance, until the required processing and certification of  
95 such page has been completed by the official or officials charged with  
96 such duty after which time disclosure of such page shall be required;

97 (16) Records of complaints, including information compiled in the  
98 investigation thereof, brought to a municipal health authority pursuant  
99 to chapter 368e or a district department of health pursuant to chapter  
100 368f, until such time as the investigation is concluded or thirty days  
101 from the date of receipt of the complaint, whichever occurs first;

102 (17) Educational records which are not subject to disclosure under  
103 the Family Educational Rights and Privacy Act, 20 USC 1232g;

104 (18) Records, the disclosure of which the Commissioner of  
105 Correction has reasonable grounds to believe may result in a safety

106 risk, including the risk of harm to any person or the risk of an escape  
107 from, or a disorder in, a correctional institution or facility under the  
108 supervision of the Department of Correction. Such records shall  
109 include, but are not limited to:

110 (A) Security manuals, including emergency plans contained or  
111 referred to in such security manuals;

112 (B) Engineering and architectural drawings of correctional  
113 institutions or facilities;

114 (C) Operational specifications of security systems utilized by the  
115 Department of Correction at any correctional institution or facility,  
116 except that a general description of any such security system and the  
117 cost and quality of such system, may be disclosed;

118 (D) Training manuals prepared for correctional institutions and  
119 facilities that describe, in any manner, security procedures, emergency  
120 plans or security equipment;

121 (E) Internal security audits of correctional institutions and facilities;

122 (F) Minutes or recordings of staff meetings of the Department of  
123 Correction, or portions of such minutes or recordings, that contain or  
124 reveal information relating to security or other records otherwise  
125 exempt from disclosure under this subdivision;

126 (G) Logs or other documents that contain information on the  
127 movement or assignment of inmates or staff at correctional institutions  
128 or facilities; and

129 (H) Records that contain information on contacts between inmates,  
130 as defined in section 18-84, and law enforcement officers.

131 Sec. 2. Subsection (k) of section 32-11a of the general statutes is  
132 repealed and the following is substituted in lieu thereof:

133 (k) All information contained in any application for financial

134 assistance submitted to the authority or the department, and all  
135 information obtained by the authority or the department with respect  
136 to any person or project, including all financial, credit and proprietary  
137 information, shall be [exempt from the provisions of subsection (a) of  
138 section 1-210] subject to disclosure under the Freedom of Information  
139 Act, except as provided under subsection (b) of section 1-210, as  
140 amended by this act, and except for information contained in any  
141 application for financial assistance submitted to the authority or the  
142 department, and all information obtained by the authority or the  
143 department with respect to any person or project, including all  
144 financial, credit and proprietary information submitted to the  
145 authority or the department prior to October 1, 2000.

146 Sec. 3. (NEW) Any private person or entity authorized by, or  
147 receiving funds from, a public agency to perform economic  
148 development functions or services shall be subject to the provisions of  
149 the Freedom of Information Act, as amended by this act, and by any  
150 other provision of the general statutes, applicable to such agency, that  
151 provides for the confidentiality of public records or meetings, but only  
152 with respect to such functions, services or agreement.

***Statement of Purpose:***

To implement the Governor's initiative that economic development entities receiving public funds should be accountable to the public through the Freedom of Information Act.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*